

IN THE UNITED STATES PATENT OFFICE**RECEIVED
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MAR 15 2006**

Patent Application Serial No.: 10/509,068

Our Ref: PT-1959001

CUSTOMER NO. 23607Applicants: Joseph Fisher, David Preiss,
Takafumi Azami, Alex Vesely,
Eitan Prisman and Tehilla AdamsAgent: Neil H. Hughes, P. Eng.
c/o Ivor M. Hughes
Barrister & Solicitor
Patent & Trade Mark Agents
Suite 200,
175 Commerce Valley Dr. W.
Thornhill, Ontario.
L3T 7P6, CANADATitle: Method For Continuous Measurement Of Flux Of Gases In The Lungs During
BreathingInventors: Joseph Fisher, David Preiss, Takafumi Azami, Alex Vesely, Eitan Prisman and Tehilla
Adams

Examiner: Michael G. Mendoza

Group Art Unit: 3731

Due Date: March 16, 2006

No. of Pages including this sheet: 13

DELIVERED TO FACSIMILE NO. (571) 273-8300

March 15, 2006

Commissioner of Patents
United States Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sir:

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper:

- 1) Letter to Commissioner dated March 15, 2006
- 2) Copy of Notice of Non-Compliant Amendment (37 CFE 1.121)
- 3) Preliminary Amendment dated March 15, 2006

is being facsimile transmitted to the United States Patent Office Facsimile
No. (571) 273-8300 on the date shown below.NEIL H. HUGHES
Agent for ApplicantSignature: 

Date: March 15, 2006



Ivor M. Hughes

Barrister & Solicitor

*Patent & Trade Mark Agents
Canada, United States*

*Barristers & Solicitors
Ivor M. Hughes
Rick Tuzi*

*Patent Agents
Neil H. Hughes, P.Eng.
Marcelo K. Sarkis, P.Eng.
Wm. Kitt Sinden
Samuel T. Tekie, P.Eng.
Francis Ng-Cheng-Hin*

Our Ref: PT-1959001

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The Commissioner of Patents
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Attention: **Ms. Halley Massey**
Legal Instruments Examiner

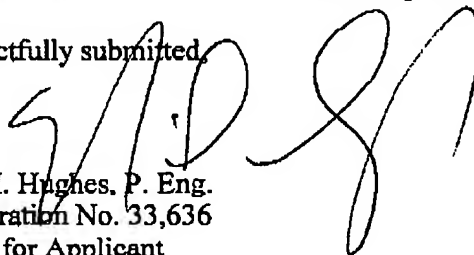
Dear Ms. Massey:

Re: United States Patent Application No. 10/509,068
of Joseph Fisher, David Preiss, Takafumi Azami, Alex Vesely, Eitan Prisman and
Tehilla Adams
for METHOD FOR CONTINUOUS MEASUREMENT OF FLUX OF GASES IN
THE LUNGS DURING BREATHING
Due Date: March 16, 2006

Pursuant to the Notice of Non-Compliant Amendment (37 CFR 1.121) dated February 16, 2006 a copy of which is enclosed for your reference, enclosed is a Preliminary Amendment, originally filed on September 23, 2004 when entering National Phase in the United States. The Preliminary Amendment now includes a complete listing of claims 1-19 as required.

We thank the Commissioner for his cooperation regarding this matter.

Respectfully submitted,


Neil H. Hughes, P. Eng.
Registration No. 33,636
Agent for Applicant

NHH/lvp

Encl. Notice of Non-Compliant Amendment
Preliminary Amendment

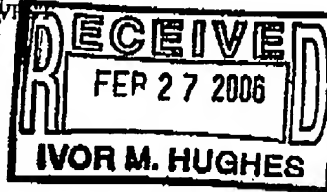


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,068	03/17/2005	Joseph Fisher	PC-1859881 PC-1959001	3232
23607	7590	02/16/2006	EXAMINER MENDOZA, MICHAEL G	
IVOR M. HUGHES, BARRISTER & SOLICITOR, PATENT & TRADEMARK AGENTS 175 COMMERCE VALLEY DRIVE W SUITE 200 THORNHILL, ON L3T 7P6 CANADA			ART UNIT 3731	
			PAPER NUMBER	
			DATE MAILED: 02/16/2006	



Due: Mar-16/06

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/509068

Applicant(s)

Examiner

Michael Mendoza

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 9/24/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Claim 19 depends on multiple claims that are canceled

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action. NO

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Valley Maxey
Legal Instruments Examiner (LIE)

571-272-4309
Telephone No.